

July 24, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-198

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On July 23, 2008, members of the CA2C including: Stacy Fuller, DIRECTV; Hank Hultquist, AT&T; Kevin Rupy, USTelecom; Steve Pastorkovich, OPASTCO; Joshua Seidemann, ITTA; Tom Steel, RCN; Felix Boccucci, Knology; Jack Day, SureWest; Parul Desai, Media Access Project; Christopher Colwell, Cincinnati Bell; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had a meeting on behalf of the referenced companies and organizations with Chairman Martin and his legal advisor Elizabeth Andrion.

At this meeting we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding and the potential timing for moving forward toward resolution. A copy of the discussion outline for this meeting is attached as reference.

Respectfully submitted by:

/s/

John Goodman, President, CA2C
1601 K Street NW
Washington, D.C. 20006
(202) 661-3945

Enclosure

cc: Chairman Martin, Elizabeth Andrion

Coalition for Competitive Access to Content (CA2C)

FCC Discussion Outline – July 23, 2008

CA2C Representatives:

Stacy Fuller, DIRECTV
Joshua Seidemann, ITTA
Kevin Rupy, USTelecom
Felix Boccucci, Knology
Tom Steel, RCN
Martin Stern, K&L Gates

Hank Hultquist, AT&T
Steve Pastorkovich, OPASTCO
Jack Day, SureWest
Christopher Colwell, Cincinnati Bell
Parul Desai, Media Access Project
John Goodman, CA2C

1. Introduction
2. CA2C 07-198 Policy Positions
 - a. Close the terrestrial loophole.
 - b. No early sunset.
3. Policy Justification
 - a. The same market analysis that justified extension of the current rules and the Adelphia merger conditions also justifies applying program access rules to terrestrially delivered vertically integrated programming.
 - b. The use of terrestrial distribution is expected to increase.
 - c. New examples of denied access to HD programming.
 - d. 706 statutes and the impact of video policies on broadband expansion.
4. The FCC has legal authority to close the terrestrial loophole.
 - a. 628 (b) provides specific and sufficient authority.
 - b. 628 (c) represents a “minimum” content of regulations.
 - c. The same analysis of legal authority that supported Commission action on MDU contracts applies to closing the terrestrial loophole.
 - d. Closing the loophole is directly related to existing statutes and has an even stronger legal argument for authority than other actions.
5. The FCC should act to close the terrestrial loophole.
 - a. Request that the FCC take action on 07-198 in August or September.
 - b. Request that the Chairman provide his support for this action.
 - c. An announced schedule facilitates our advocacy by creating priority.